



Office of the Secretary of the State

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**Connecticut General Assembly
Government Administration and Elections Committee
Public Hearing**

March 13, 2024

**TESTIMONY OF
SECRETARY OF THE STATE STEPHANIE THOMAS
REGARDING:**

- **SB 386 An Act Concerning Designation of Polling Places and Implementation of Early Voting at Primaries and Elections**
- **SB 390 An Act Concerning Penalties for Certain Election Crimes**
- **HB 5448 An Act Concerning Security of Certain Election Workers and Elections Related Locations**
- **HB 5450 An Act Concerning Artificial Intelligence, Deceptive Synthetic Media and Elections**

Thank you Co-Chairs Flexer and Blumenthal, Ranking Members Sampson and Mastrofrancesco, Vice Chairs Slap and Morrin Bello, and members of the committee for the opportunity to testify on several pieces of legislation before you.

- **SB 386 An Act Concerning Designation of Polling Places and Implementation of Early Voting at Primaries and Elections**

I understand that generally, the bill: 1) seeks to establish a local, public hearing process for any proposed changes to polling locations used in the previous election or primary; and 2) seeks to give local legislative bodies the authority to change polling locations under specified circumstances, rather than Registrars of Voters. While we are unaware of the issue these changes are meant to address, we are unclear how the timelines under the bill would interact with various timelines under existing law.

- Section 1 of the bill implements a timeline for the review process that could be in conflict with existing law. For example, the Connecticut Voting Rights Act (CTVRA) requires that any changes to polling locations in particular municipalities be approved by the Office of the Secretary of the State or Superior Court, but generally does not provide a timeline for the process, and this bill is also silent on the process. This legislation should include language that clarifies a municipality approves a new location before my office or the court reviews and approves the suggested polling location change. There are additional timeline conflicts between Section 1 and Section 2 of the bill itself.



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- I also have concerns that granting authority for the review process to local legislative bodies could potentially create conflicts with existing laws and regulations. They have no reason to know all the laws that relate to the selection of a polling place, while Registrars of Voters are more likely to be cognizant of the rules and regulations. Furthermore, there is already current oversight of the process by the Secretary of the State's office.

I enthusiastically support Section 6 of the bill requiring my office to submit a report on the statewide implementation of early voting after the April 2nd presidential preference primary. Our office has already set a debrief date with the Registrars of Voters and will send any proposed law changes to this body prior to May 1st. However, I suggest the language be modified to a later date to allow my office time to conduct the comprehensive survey of all 169 towns, allowing us time to follow up for responses and delve deeper into analysis to help shape a more robust, intelligent path forward.

If this bill moves forward, my office would be happy to work with the committee to offer additional insight and recommendations.

- **SB 390 An Act Concerning Penalties for Certain Election Crimes**

It is critical that our lawmakers protect the integrity of our elections by ensuring swift justice for lawbreakers. While I applaud the sentiment of SB 390 and agree that we must put in place more stringent deterrents against elections crimes, I oppose this bill as written for the reasons noted below.

- It is unclear if the proposed increased penalty for the offenses outlined is supported by any data that suggests the change would have a proportionate deterrent effect. I am also concerned about mandatory penalties for violations of election law that could be done without ill intent (e.g. Sec. 3, the improper printing of a ballot).
- Mandatory minimum prison sentences for election workers and first-time offenders may have a negative effect in recruiting election workers, during a time when they are already under security threats and heavy scrutiny. Imposing mandatory minimum sentences for some of these actions that could in effect be inadvertent or accidental, places an undue burden on them.
- There is little public awareness as to what constitutes a violation of the provisions of Title 9. We have seen this play out in some of the confusion around the absentee ballot return process in recent elections. And while ignorance of the law is not sufficient excuse for breaking it, it does present a mitigating factor for a judge to consider when levying penalties.

Thank you for the opportunity to provide input on SB 390.

- **HB 5448 An Act Concerning Security of Certain Election Workers and Elections Related Locations**



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Today's political climate is unfortunately such that the personal safety of public officials is often at risk simply for carrying out their duties. I applaud the committee for their efforts to protect our election workers.

Section 1 would restrict any public agency of a municipality from disclosing under FOIA the residential address of municipal clerks, registrars of voters and their deputies, election officials, primary officials, and audit officials who submit a request for nondisclosure. Although this measure does not preclude an election worker's private address from being found online through other sources like voter lists, it does no harm in providing an additional, albeit thin, layer of privacy for our public workers.

Section 2 establishes a new class D felony for persons who possess a weapon within 1,000 feet of a polling place, early voting or same-day registration location, central count location, recanvass location, or drop box site. I support the spirit of this provision, but a 1,000-foot area is the equivalent of more than three football fields and is likely to encompass private property. Should this bill move forward, I respectfully suggest expanding the language to carve out private property.

Recent elections across the country have demonstrated that election workers may face many kinds of abuse and threats, and Section 3 serves to add more protections against those incursions in Connecticut. This section also allows victims of those violations the right to seek relief in the form of a civil lawsuit against their perpetrators. I am in agreement with both of these measures.

I support HB 5448 with the recommendations made above for Section 2 of the bill.

- **HB 5450 An Act Concerning Artificial Intelligence, Deceptive Synthetic Media and Elections**

I commend you for raising this piece of legislation as a way to be pro-active in mitigating a significant threat to elections security. Secretaries of State around the country are working to explore the limits of how artificial intelligence may impact our election systems. Only a handful have passed legislation thus far and it is good to know that CT is in the vanguard on this important issue. I would like to raise a few additional areas of concern for your consideration, which are being contemplated by national security agencies and election leaders around the world.

As written, the current bill does not include some of the significant ways artificial intelligence can impact elections holistically. I urge consideration of the following recommendations to enhance the bill's effectiveness:

- Include language that expands on the targets of harm so that it is not only related to items on the ballot, but election infrastructure, including a polling location, voter list, and other elements of elections security and administration.
- Include language that protects voters by prohibiting the use of the state's voter list for targeted harm as well as to depress voter turnout.



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- Examine the timeframe for distribution of deceptive synthetic media to determine how the dates work in conjunction with the election calendar, early voting, and availability of overseas absentee ballots.

My office's top priority is protecting our democracy and looks forward to working with this committee and the legislature in embarking on this new frontier of election security together.

Respectfully submitted,

Stephanie Thomas
Secretary of the State of Connecticut